9

10

11

- 1	
1	Jeffrey W. Dulberg (CA Bar No. 181200) John W. Lucas (CA Bar No. 271038) PACHULSKI STANG ZIEHL & JONES LLP 10100 Santa Monica Blvd., 13 th Floor Los Angeles, California 90067-4003 Telephone: 310-277-6910 Facsimile: 310-201-0760 Email: jdulberg@pszjlaw.com jlucas@pszjlaw.com
	John W. Lucas (CA Bar No. 271038)
2	PACHULSKI STANG ZIEHL & JONES LLP
	10100 Santa Monica Blvd., 13 th Floor
3	Los Angeles, California 90067-4003
	Telephone: 310-277-6910
4	Facsimile: 310-201-0760
	Email: jdulberg@pszjlaw.com
5	ilucas@pszilaw.com
	J CI J
6	Counsel to Bradley D. Sharp, Chapter 11 Trustee
Ĭ	
7	



UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

Case No. 2:23-bk-10990-SK In re Chapter 11 LESLIE KLEIN, ORDER GRANTING MOTION AND Debtor.

AUTHORIZING (1) SALE OF REAL PROPERTY COMMONLY KNOWN AS 3752 OCEAN DRIVE, OXNARD, CALIFORNIA, FREE AND CLEAR OF ALL LIENS, CLAIMS AND **ENCUMBRANCES PURSUANT TO 11** U.S.C. §§ 363(b) AND (f); AND (2) PAYMENT OF REAL ESTATE **BROKERS' COMMISSION AND SALE** RELATED EXPENSES

[3752 Ocean Drive, Oxnard, California]

November 15, 2023 Date: Time: 9:00 a.m.

Crtrm.: 1575

Judge: Hon. Sandra R. Klein

LA:4881-2983-1057.1 78512.001

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

A hearing was held on November 15, 2023, at 9:00 a.m., before the Honorable Sandra R. Klein, United States Bankruptcy Judge for the Central District of California, in Courtroom 1575 located at 255 East Temple Street, Los Angeles, California, on the Motion For Order Authorizing (1) Sale of Real Property Commonly Known as 3752 Ocean Drive, Oxnard, California, Free and Clear of All Liens, Claims and Encumbrances Pursuant to 11 U.S.C. §§ 363(b) and (f); And (2) Payment of Real Estate Brokers' Commission and Sale Related Expenses [Docket No. 452] (the "Motion"), filed by Bradley D. Sharp, the duly appointed, authorized and acting chapter 11 trustee (the "Trustee") in the above-captioned bankruptcy case. Appearances were made as noted on the record.

The Court having read and considered the Motion and all papers filed in support thereof, as well as the position statement filed by U.S. Bank [Docket No. 462], and, following the auction conducted during a recess via zoom, having found that the Successful Bid and the Back-Up Bid (each as defined below) are the "highest and best" bids received with respect to the proposed sale, and that each of the Successful Bidder and the Back-Up Bidder are entitled to "good faith" protection in accordance with 11 U.S.C. §363(m), and having found that the holders of any and all liens, claims and encumbrances to be sold "free and clear" of will be paid in full from the proceeds of the sale or have consented to the proposed sale, and with good cause shown,

IT IS HEREBY ORDERED:

- 1. The Motion is GRANTED.
- 2. The Trustee is authorized to sell pursuant to 11 U.S.C. §363(b) the real property commonly known as 3752 Ocean Drive, Oxnard, California and assigned APN: 206-0-252-290, legally described as Lot 20, Block E, of Hollywood Beach Tract, in the County of Ventura, State of California, as per Map recorded in Book 13 Page 2 of Maps, in the Office of the County Recorder of said County (the "Oxnard Property"), as further set forth herein.

Capitalized terms not defined herein shall have the same meaning ascribed to them in the Motion.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

- 3. The bid from Pavel Sterin or his designated nominee (the "Successful Bidder"), in the amount of \$2,160,000.00, is approved as the winning bid (the "Successful Bid"). The Successful Bid is the "highest and best" offer the Trustee has received for the Oxnard Property.
- 4. The bid from Robert Crown (the "Back-Up Bidder") in the amount of \$2,150,000.00, is approved as the back-up bid (the "Back-Up Bid"). The Back-Up Bid is the second "highest and best" offer the Trustee has received for the Oxnard Property.
- Each of the Successful Bidder and Back-Up Bidder are deemed a "good faith 5. purchaser" pursuant to 11 U.S.C. § 363(m).
- The Oxnard Property shall be sold "as is," "where is," "with all faults," and without 6. warranty or recourse, pursuant to 11 U.S.C. §363(b).
- 7. The Oxnard Property shall be sold free and clear of the following liens, claims, encumbrances or other interests, pursuant to 11 U.S.C. §363(f), as the holders of such liens, claims, encumbrances or other interests shall be paid from the proceeds of the sale or have consented to the sale and the recordation of this order with the Ventura County Recorder shall constitute a discharge, termination, and cancellation as to the Oxnard Property of all such liens, claims, encumbrances, or other interests, without the need for their reconveyance or release:
- A deed of trust, recorded on May 24, 2005, as Instrument No. 20050524a. 0125088 in the Ventura County Recorder's Office, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Countrywide Home Loans, Inc. having been assigned of record to U. S. Bank National Association, as Trustee, successor in interest to Wachovia Bank, National Association, as Trustee for Banc of America Funding Corporation Mortgage Pass-Through Certificates, Series 2005-F, by assignment recorded on April 28, 2023, as Instrument No. 2023000029877 in the Ventura County Recorder's Office (the "First Trust Deed");
- b. A deed of trust, recorded on May 24, 2005, as Instrument No. 20050524-0125089 in the Ventura County Recorder's Office, in favor of Mortgage Electronic Registration Systems, Inc., as nominee for Countrywide Home Loan [sic], Inc. having been assigned of record to Citizens Bank, N.A., by assignment recorded on December 14, 2022, as Instrument No. 2022000115856 in the Ventura County Recorder's Office (the "Second Trust Deed"); and

3

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

c. An abstract of judgement, originally recorded on December 16, 2022, as
Instrument No. 2022000116414 in the Ventura County Recorder's Office, and modified by an
instrument recorded on January 12, 2023, as Instrument No. 2023000002104 in the Ventura
County Recorder's Office, in favor of Joseph Vago et al (the "Vago Abstract").

- 8. The Trustee shall pay through escrow: (a) all undisputed amounts owed on the First Trust Deed and the Second Trust Deed; (b) all outstanding real property taxes due and owing to the Ventura County Treasurer - Tax Collector upon closing of the Sale; and (c) broker commissions and expenses not to exceed \$3,254.72, escrow fees, title insurance premiums and other ordinary and typical closing costs and expenses payable by a seller.
- 9. Any liens, claims or encumbrances on the Oxnard Property not otherwise paid off shall have the same validity, priority, and scope with respect to the sale proceeds as such liens, claims or encumbrances had against the Oxnard Property as of the petition date, subject to any and all of the Trustee's rights to object to, dispute, or subordinate such liens, claims or encumbrances.
 - 10. The 14-day stay under Bankruptcy Rule 6004(h) is waived.

###

Date: November 17, 2023

Sandra R. Klein

United States Bankruptcy Judge

27